

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WENDY M. MEYERS,)
)
)
Plaintiff,)
)
)
vs.) Case No.:
)
VALLEY VIEW COMMUNITY UNIT)
SCHOOL DISTRICT 365U,)
)
Defendant.)

COMPLAINT AT LAW

NOW COMES the Plaintiff, WENDY M. MEYERS, by and through her attorney, John V. Schrock of Sabuco, Beck, Hansen, Schrock & Pollack, P.C., and complaining of Defendant, VALLEY VIEW SCHOOL DISTRICT 365U, states as follows:

1. Plaintiff is a resident of Plainfield, Will County, Illinois.
2. Defendant is a school district with over 100 employees located in Bolingbrook, Will County, Illinois.
3. Plaintiff began her employment with Defendant as a bus driver in April of 2002.
4. That in August of 2006, Plaintiff sustained a torn rotator cuff injury. .
5. As a result of the torn rotator cuff injury, Plaintiff is unable to lift her hand above her head and therefore unable to open the emergency escape hatch on the roof of the bus. .
6. As a result of the rotator cuff injury and disability of Plaintiff, Plaintiff is not qualified to hold a Commercial Driver's License ("CDL") having a CDL is a requirement for bus drivers in Illinois.
7. That Defendant thereafter gave Plaintiff the position of assistant dispatcher.

8. That Plaintiff was employed by Defendant as an assistant dispatcher until Defendant terminated Plaintiff's employment on June 4, 2012.

9. That Plaintiff was, at all times, able to perform the job requirements of an assistant dispatcher.

10. That Defendant employed other persons as dispatchers or assistant dispatchers who did not have CDL's.

11. That having a CDL is not a legitimate requirement for the position of assistant dispatcher.

12. That Defendant terminated Plaintiff on June 4, 2012 due to Plaintiff's disability.

13. That the pretext for Defendant's termination of Plaintiff was that the position of assistant dispatcher required a CDL.

14. At all times relevant there was in effect the American with Disabilities Act. ("ADA").

15. In relevant part the ADA provides:

"No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advisement, or discharge of employment, employee compensation, job training, and other terms, conditions, and privileges of employment." *42 U.S.C. Section 1211(a)*

16. Defendant violated the ADA when it terminated Plaintiff's employment

17. That Plaintiff duly filed her charge of discrimination on June 15, 2012. (See attached as "Exhibit A").

18. The U.S. Equal Opportunity Commission issued a Dismissal and Notice of Rights letter on May 15, 2014. (See attached as "Exhibit B").

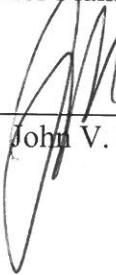
19. Plaintiff brings this matter pursuant *42 U.S.C. Section 1211(a)*.
20. Plaintiff has sustained damages in lost wages.
21. Pursuant to *42 U.S.C. Section 12205*, the court may award Plaintiff for her attorney's fees.

WHEREFORE, Plaintiff, WENDY M. MEYERS, prays reinstatement to the position of assistant dispatcher, back pay; and for entry of judgment in her favor, and against Defendant, VALLEY VIEW SCHOOL DISTRICT 365U, in a sum in excess of \$50,000 plus reasonable attorney's fees.

Respectfully submitted:

Sabuco, Beck, Hansen, Schrock & Pollack, P.C.
Attorneys for Plaintiff,

By: _____


John V. Schrock

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